

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEPUY SYNTHES SALES, INC.	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 17-1068
GLOBUS MEDICAL, INC., MICHAEL	:	
FOLEY, JEREMY D. LEARY, and	:	
MICHAEL VALERI	:	

**ORDER**

AND NOW, this 26 day of April, 2017, upon consideration of the motion to dismiss by defendants Globus Medical, Inc., Michael Foley, Jeremy D. Leary and Michael Valeri, Dkt. No. 19, the response of plaintiff DePuy Synthes Sales, Inc., Dkt. No. 21, and defendants' reply, Dkt. No. 23, it is ORDERED that the motion is GRANTED IN PART and DENIED IN PART as follows:

1. Defendants' motion to dismiss Count I for breach of fiduciary duty is GRANTED and the claim is DISMISSED WITH PREJUDICE.
2. Defendants' motion to dismiss Count II for breach of contract is DENIED.
3. Defendants' motion to dismiss Count III for aiding and abetting breach of fiduciary duty is GRANTED and the claim is DISMISSED WITH PREJUDICE.
4. Defendants' motion to dismiss Count IV for tortious interference with existing and prospective business relations is GRANTED IN PART and DENIED IN PART:
  - a. To the extent this claim alleges tortious interference with customer relationships, the motion is GRANTED as to all defendants and the claim is DISMISSED WITH PREJUDICE;
  - b. To the extent this claim alleges tortious interference with employee contracts, the motion is GRANTED as to defendants Foley, Leary and

Valeri and the claim is DISMISSED WITH PREJUDICE as against them, but the motion is DENIED as to defendant Globus Medical.

5. Defendants' motion to dismiss Count V for unfair competition is GRANTED IN PART and DENIED IN PART:
  - a. To the extent this claim is brought against defendants Foley, Leary and Valeri, the motion is GRANTED and the claim is DISMISSED WITH PREJUDICE;
  - b. To the extent this claim is brought against defendant Globus Medical, the motion is DENIED.
6. Defendants' motion to dismiss Count VI for civil conspiracy is GRANTED and this claim is DISMISSED WITH PREJUDICE.

/s/ Thomas N. O'Neill, Jr.  
THOMAS N. O'NEILL, JR., J.